record. By the present amendment and remarks, Applicants submit that the rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

Traversal of Rejection Under 35 U.S.C. § 103(a)

1. *Over Rodal with AAPA as necessary with Ewald*

Applicants traverse the rejection of claims 17 - 19, 43 - 45, 51, and 52 under 35 U.S.C. § 103(a) as being unpatentable over RODAL et al. (U.S. Patent No. 4,617,091) [hereinafter "RODAL"] with Applicants' Admitted Prior Art [hereinafter "AAPA"] as necessary with EWALD et al. (U.S. Patent No. 4,566,945) [hereinafter "EWALD"]. The Examiner asserts that RODAL discloses a lamella formed of polysulfone, that Applicants' disclosure admits that a lamella structured end with a dull end is known, and that EWALD shows the tip end of a headbox lamella have a thickness between 0.2 and 0.5 mm. From this, the Examiner asserts that it would have been obvious to modify the lamella of RODAL to include a structured end as well as a dull end having a thickness of greater than 0.5 mm. Applicants traverse the Examiner's assertions.

Applicants' independent claim 17 recites, *inter alia*, said lamella includes a free end arranged to extend to a region of said nozzle, wherein said free end comprises a structured end region with a dull lamella end having a height of more than about 0.5 mm. Further, Applicants' independent claim 43 recites, *inter alia*, said lamella including a free end

arranged to extend to a region of said jet end, wherein said free end comprises a structured end region with a dull lamella end having a height of more than about 0.5 mm. Applicants submit that no proper combination of the applied documents teaches or suggests the above-noted features of the present invention.

Applicants note that, while both RODAL and EWALD are related to the subject matter of the instant invention, i.e., headbox lamellae, neither document teaches or suggests a structured end region, as recited in at least independent claims 17 and 43. While Applicants' disclosure pointed out that it is known to utilize a structured end on lamellae, Applicants note that this disclosure does not teach or suggest that it would have been obvious to universally employ a structured end on any and all lamellae.

In particular, the document noted in the AAPA, i.e., U.S. Patent No. 5,639,352, discloses that the structured end is utilized to eliminate or reduce turbulence in the vicinity of the lamellae ends. It is noted that this turbulence arises due to a change in velocity at the lamella end, which can lead to movements and vibrations of the lamella and, therefore, disturbances in fluid flow. Thus, the noted document seeks turbulence elimination or reduction through making the lamella more flexible, damping the lamella end, or eliminating hydraulic excitation (which can be lessened by reducing the lamella thickness to less than 1 mm).

In contrast to the AAPA, both RODAL and EWALD disclose rigidly structured

lamellae, which are not intended to be flexible, especially in a cross-machine direction, but instead are pivotably mounted in the region of the turbulence generator to essentially ride with the suspension flowing toward the nozzle.

Because neither RODAL nor EWALD provide any teaching or suggestion of increasing the flexibility of the lamella, and in fact teach against such a feature, Applicants submit that it would not have been apparent to one ordinarily skilled in the art to modify either RODAL or EWALD to provide a structured end to increase lamella flexibility. Moreover, as the lamella of RODAL and EWALD are structured to go with the flow of the suspension, Applicants submit that there is no teaching or suggestion of damping the respective lamella ends, as suggested by the AAPA, and certainly no teaching or suggestion that providing a structured end on the pivoting lamella would even achieve this objective the AAPA.

Applicants likewise note, while it is not apparent that the pivotably mounted lamella of either RODAL or EWALD suffer from hydraulic excitation in the manner of the lamella of the AAPA, had one ordinarily skilled in the art utilized the teaching of the AAPA, i.e., to reduce the lamella thickness to less than 1 mm, the asserted combination fails to render unpatentable the combination of features recited in at least independent claims 17 and 43.

Thus, as the asserted combination of documents is contrary to the express teachings of each applied document, Applicants submit that the art of record fails to provide the

requisite motivation or rationale for combining the art in the manner asserted by the Examiner.

Further, Applicants note that, while the AAPA document fails to provide any teaching of lamella thickness (although less than 1 mm is specifically disclosed as a desired thickness for reducing hydraulic excitation), the AAPA document discloses that the flexibility of the lamella created by the grooved end is a significant factor in the reduction or elimination of turbulence. Thus, Applicants submit that it would not have been obvious to one ordinarily skilled in the art to utilize a grooved end intended to increase flexibility of the lamella of either RODAL or EWALD, which are specifically designed as rigid lamellae mounted to pivot with the suspension flows. In other words, Applicants submit that, as the applied documents are in direct conflict with regard to flexibility/rigidity of the lamella, the applied art fails to provide the necessary motivation for combining the documents in the manner asserted by the Examiner.

Further, while both RODAL and EWALD disclose rigid lamella pivotably mounted in a headbox, Applicants note that these documents discloses wholly different lamella thicknesses. In particular, Applicants note that EWALD discloses a lamella thickness greater than 0.5 mm, which is formed by several lamination layers. In contrast, Applicants note that RODAL discloses a lamella formed of essentially three layers, where the layers have a preferred thickness of between 10 and 120 mils. Thus, Applicants submit that it is not

apparent why one ordinarily skilled in the art would increase the thickness of the RODAL lamella, particularly since there is no teaching or suggestion that increased thickness provides benefits. Moreover, Applicants submit that, as changing the lamella thickness would result in a reduction in the flow space for the suspension, the Examiner's asserted modification fails to consider adverse effects on the overall systems sought to be modified. Still further, Applicants note that it appear contrary to logic to increase the thickness of the lamella, thereby increasing its rigidity in order to provide grooves in the lamella end to provide flexibility that is not desired by either RODAL or EWALD.

Applicants further note that the art of record fails to provide any teaching or suggestion that the materials utilized to form the lamella of RODAL are the same or even arguably similar to the materials utilized in the lamella of EWALD and/or the AAPA. Because the art of record fails to provide any teaching or suggestion regarding the materials utilized in the disclosed lamellae, it cannot even be ascertained whether one ordinarily skilled in the art is even comparing "apples to apples." In this regard, Applicants note that modifying the physical appearance of one lamella in view of the appearance of other lamella, without knowing the specific materials (and the properties of these materials, e.g., flexibility, strength, durability etc.), would not result in a modification that is obvious, since the ordinarily skilled artisan does not have sufficient information to determine whether such a change would have been obvious, and appearance alone is not a basis for engineering

modification.

As it is not apparent that the materials forming the lamellae in the disclosed documents are the same (or even related), Applicants submit that it would not have been obvious to one ordinarily skilled in the art to dimension such lamella in a corresponding manner. That is, the lamella of EWALD is laminated and dimensioned in order to achieve a desired characteristic, however, it is not apparent that similarly dimensioning the lamella of RODAL, formed of polysulphone, would provide this desired characteristic.

Accordingly, as the specific dimensions of the non-polysulphone lamella of EWALD (and the AAPA) fail to provide any motivation or rationale for modifying or structuring a polysulphone lamella of significantly smaller thickness, Applicants submit that the instant combination of documents is improper and should be withdrawn. In fact, Applicants submit that the only reasonable rationale for combining the documents in the manner asserted by the Examiner is found in Applicants' own disclosure, which is a use of improper hindsight. Accordingly, the instant rejection should be withdrawn.

Moreover, Applicants note that claims 18, 19, 44, 45, 51, and 52 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper combination of RODAL, as necessary with the AAPA, and EWALD, teaches or suggests, *inter alia*, said structured end region comprises grooves having at least

one of (A) at least one of essentially rectangular, wedge-shaped, parabolic, and essentially round structure, and (B) varying depth, as recited in claim 18; at least said lamella end is constructed of said at least one high-performance polymer, as recited in claim 19; said structured end region comprises grooves having at least one of (A) at least one of essentially rectangular, wedge-shaped, parabolic, and essentially round structure, and (B) varying depth, as recited in claim 44; at least said lamella end is constructed of said at least one high-performance polymer, as recited in claim 45; and said at least one high performance polymer comprises at least one of polyphenylene sulphone (PPSU), polyether sulphone (PES), polyetherimide (PEI), and polysulphone (PSU), as recited in claim 51 and 52.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 17 - 19, 43 - 45, 51, and 52 under 35 U.S.C. § 103(a) and indicate that these claims are allowable.

2. *Over Rodal in view of AAPA and further in view of Horiki*

Applicants traverse the rejection of claims 1 - 16, 20 - 42, 46 - 50, 53, and 54 under 35 U.S.C. § 103(a) as being unpatentable over RODAL as necessary with AAPA and further in view of HORIKI et al. (U.S. Patent No. 5,902,642) [hereinafter "HORIKI"]. The Examiner asserts that, because HORIKI discloses a masking member made of engineering plastic that includes some of the materials disclosed in the instant application as high performance polymers, it would have been obvious to modify RODAL and AAPA to form

the lamella of the high performance polymers. Applicants traverse the Examiner's assertions.

Applicants note that, while RODAL discloses a lamella formed of polysulfone, independent claims 1, 26, 53, and 54 have been recited in such a manner as to exclude polysulfone from the recited materials for forming the lamellae. In particular, independent claims 1 and 26 recite, *inter alia*, at least one high-performance polymer comprising at least one of a water absorption (DIN 53495) and a heat resistance (DIN 53461) *greater than that of polysulphone (PSU)*. Further, Applicants' independent claim 53 recites, *inter alia*, said at least one high-performance polymer comprising one of polyphenylene sulphone (PPSU), polyether sulphone (PES), and polyetherimide (PEI) having at least one of a water absorption (DIN 53495) and a heat resistance (DIN 53461) *greater than that of polysulphone (PSU)*, thereby resulting in a lamella formed of a material having a high stability, high heat resistance, and good to very good resistance to at least one of alkaline solution and acid. Finally, Applicants' independent claim 54 recites, *inter alia*, a lamella formed of at least one high-performance polymer comprising one of polyphenylene sulphone (PPSU), polyether sulphone (PES), and polyetherimide (PEI) having at least one of a water absorption (DIN 53495) and a heat resistance (DIN 53461) *greater than that of polysulphone (PSU)*, wherein said at least one high-performance polymer results in a lamella having high stability, high heat resistance, and good to very good resistance to at least one of alkaline solution and acid. Applicants submit that no proper combination of RODAL, the AAPA, and HORIKI teach

or suggest the above-noted features of the instant invention.

As noted above, independent claims 1, 26, 53, and 54 have been recited to exclude polysulfone, which is the disclosed material forming the lamellae of RODAL. To address this modification to the claims, the Examiner has applied HORIKI for purportedly disclosing that it would be obvious to replace polysulfone material with a polyether sulfone (PES) or polyetherimide (PEI), and has asserted that it would have been obvious to form the lamella of RODAL of PES or PEI, as taught by HORIKI.

Applicants note that HORIKI is directed to forming a mask to prevent paint from being applied onto, e.g., car parts, which is wholly irrelevant to the subject matter of the pending claims and to the subject matter of RODAL and AAPA, which it purports to modify. Specifically, HORIKI discloses a masking member made of engineering plastic, which admittedly can include some of the materials recited in the pending claims.

However, contrary to the instant invention, HORIKI utilizes these materials because, after corona discharge treatment, their surface's affinity for paint or adhesives is increased, and because, after releasing treatment, their surface's affinity for paint or adhesives is decreased. In this manner, the mask is reusable so that portions of a number of similarly structured parts can be masked during a painting process.

Further, while treatable to increase and decrease its affinity for paint and adhesives, Applicants note that HORIKI fails to provide any teaching or suggestion as to how such

materials would function in a headbox with a fibrous suspension flow, as taught in both RODAL and the AAPA. In this regard, as HORIKI fails to provide any teaching or suggestion as to how the disclosed materials would function with the materials utilized by RODAL, the art of record fails to provide any teaching or suggestion that it would have been obvious to modify RODAL in the manner asserted by the Examiner.

More particularly, Applicants note that the applied art fairly suggests only that the disclosed materials of HORIKI are suitably effective in forming paint masks, and certainly fails to teach or suggest that these materials are universally interchangeable in each and every environment of use or that these materials would be effective in the headbox of RODAL. Thus, Applicants submit that it would not have been obvious from a review of HORIKI to modify RODAL's lamella formed of PSU by forming it with PEI or PES material, as recited in at least independent claims 1, 26, 53, and 54.

Applicants also note that, as none of the applied documents of record provide any teaching or suggestion with regard to the water absorption and/or heat resistance of any of the disclosed materials, it would not have been obvious to one ordinarily skilled in the art to modify RODAL in any manner based upon the water absorption and/or heat resistance characteristics of the material relative to PSU. In fact, Applicants submit that, while the Examiner's basis for rejection is an assumption that one ordinarily skilled in the art would seek to increase water absorption and/or heat resistance, the art of record fails to provide any

teaching or suggestion on which such an assumption can be based, and that only Applicants' disclosure which provides such guidance, which results in an improper use of hindsight.

Applicants further note that, as RODAL fails to note the problem identified by the inventors, it would not have been obvious to one ordinarily skilled in the art seek a material having at least one of a water absorption (DIN 53495) and a heat resistance (DIN 53461) *greater than that of polysulphone (PSU)*. That is, while specifically identifying the material as PSU, RODAL fails to provide any suggestion that water absorption or heat resistance characteristics should be considered in determining a specific material for forming the lamellae. Further, from the disclosures of the art of record, Applicants submit that it is not apparent that one ordinarily skilled would have found it obvious from either an engineering or cost perspective to modify RODAL in the manner suggested by the Examiner. In other words, as the art of record fails to provide any suggestion for changing the material composition of the RODAL lamella, Applicants submit that the art of record is wholly deficient with regard to any reasons for modifying RODAL, other than merely for the purpose of change, which is insufficient under 35 U.S.C. § 103(a).

Further, even assuming, *arguendo*, that one ordinarily skilled in the art were to find it obvious to change the material composition of the lamella of RODAL to one disclosed by HORIKI (which Applicants submit one would not), the art of record fails to provide any teaching or suggestion that the resulting lamella would exhibit the necessary structural

properties required by RODAL. In this regard, Applicants again note that, as the only material property of PES, PEI, and PSU disclosed by HORIKI is that it can be treated to increase or decrease its affinity for paint or adhesives, the art of record fails to provide those ordinarily skilled in the art with any useful information to determine whether it would have been obvious to modify RODAL in the manner asserted by the Examiner.

Further, Applicants note that AAPA fails to provide any teaching or suggestion that would render the asserted combination of RODAL and HORIKI obvious. In fact, Applicants, as discussed above, submit that it would not have been obvious to modify RODAL to include the structured end disclosed by the AAPA. In particular, Applicants note that, AAPA provides a structured lamella end to reduce or eliminate turbulence in the vicinity of the headbox end, which increases lamella flexibility, increases lamella end damping, and reduces hydraulic excitation.

In contrast to the AAPA, RODAL discloses a rigidly formed lamella that is pivotably mounted in the nozzle. Moreover, RODAL specifically discloses that it is important that the lamella be inflexible in the cross-wise direction. Thus, Applicants submit that, by providing grooves in the surface of the lamella end, *as per* the AAPA, it is apparent that cross-direction flexibility would increase in manner wholly contrary to the intention of RODAL.

Thus, Applicants submit that the asserted combination of RODAL and AAPA would not have been obvious, since the resulting lamella would not be suitable for the purpose

intended by RODAL.

Accordingly, Applicants submit that, as no proper combination of the art teaches or suggests the combination of features recited in at least independent claims 1, 26, 53, and 54, the Examiner's asserted rejections are improper and should be withdrawn.

Further, Applicant submits that claims 1 - 16, 20 - 25, 27 - 42, 46 - 50 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper combination of RODAL in view of AAPA and HORIKI teaches or suggests, *inter alia*, said high-performance polymer has a tensile strength R_m (DIN 53455) in the range of about 50 N/mm^2 to about 150 N/mm^2, and a breaking elongation A_s (DIN 53455) in the range of about 20 % to about 80 %, as recited in claim 2; said tensile strength R_m is in a range of about 70 N/mm^2 to about 110 N/mm^2, and said breaking elongation A_s is in a range of about 30 % to 60 %, as recited in claim 3; said high-performance polymer has a modulus of elasticity E (DIN 53457, ISO 527-2) in a range of about 500 N/mm^2 to about 10,000 N/mm^2, as recited in claim 4; said modulus of elasticity E is in a range of about 1,000 N/mm^2 to about 5,000 N/mm^2, as recited in claim 5; said high-performance polymer has an impact strength when notched (ISO 179) of about 40 kJ/m^2 to about 100 kJ/m^2, as recited in claim 6; said impact strength is in a range of about 45 kJ/m^2 to about 90 kJ/m^2, as recited in claim 7; said high-performance polymer has a moisture

acceptance FA (ISO 62) in the range of about 0.05 % to about 2 %, as recited in claim 8; said moisture acceptance FA is in a range of about 0.2 % to about 1.2 %, as recited in claim 9; said high-performance polymer has a heat resistance WB (DIN 53461) in the range of about 120°C to about 230°C, as recited in claim 10; said heat resistance WB is in a range of about 170°C to about 220°C, as recited in claim 11; said high-performance polymer has a low swelling Q in a range of about 0.02 % to about 0.2 %, as recited in claim 12; said low swelling Q is a low linear swelling Q_L, , as recited in claim 13; said high-performance polymer comprises at least one of polyphenylene sulphone (PPSU), polyether sulphone (PES), and polyetherimide (PEI), as recited in claim 14; a nozzle, and said lamella includes a free end arranged to extend to a region of said nozzle, wherein said free end comprises an structure less end region with a dull lamella end having a height less than about 0.4 mm, as recited in claim 15; said height of said dull lamella end is less than about 0.3 mm, as recited in claim 16; said lamella is constructed of said high-performance polymer in a homogenous structure, as recited in claim 20; in combination with a headbox with a sectioned fiber suspension density control, wherein said lamella is located within said headbox, as recited in claim 21; in combination with a headbox designed for a jet speed greater than about 1,500 m/s, as recited in claim 22; in combination with said headbox, the jet speed is greater than about 1,800 m/s, as recited in claim 23; in combination with a multi-layered headbox, wherein said lamella is integrated into said multi-layered headbox as a separating lamella,

as recited in claim 24; the web production machine comprises one of a paper, cardboard, and tissue machine, as recited in claim 25; the web production machine comprises one of a paper, cardboard and tissue machine, as recited claim 27; said high-performance polymer has a tensile strength R_m (DIN 53455) in the range of about 50 N/mm^2 to about 150 N/mm^2, and a breaking elongation A_s (DIN 53455) in a range of about 20 % to about 80 %, as recited in claim 28; said tensile strength R_m is in a range of about 70 N/mm^2 to about 110 N/mm^2, and said breaking elongation A_s is in a range of about 30 % to 60 %, as recited in claim 29; said high-performance polymer has a modulus of elasticity E (DIN 53457, ISO 527-2) in a range of about 500 N/mm^2 to about 10,000 N/mm^2, as recited in claim 30; said modulus of elasticity E is in a range of about 1,000 N/mm^2 to about 5,000 N/mm^2, as recited in claim 31; said high-performance polymer has an impact strength when notched (ISO 179) of about 40 kJ/m^2 to about 100 kJ/m^2, as recited in claim 32; said impact strength is in a range of about 45 kJ/m^2 to about 90 kJ/m^2, as recited in claim 33; said high-performance polymer has a moisture acceptance FA (ISO 62) in the range of about 0.05 % to about 2 %, as recited in claim 34; said moisture acceptance FA is in a range of about 0.2 % to about 1.2 %, as recited in claim 35; said high-performance polymer has a heat resistance WB (DIN 53461) in the range of about 120°C to about 230°C, as recited in claim 36; said heat resistance WB is in a range of about 170°C to about 220°C, as recited in claim 37; said high-performance polymer has a low swelling Q in a range of about 0.02 % to about 0.2 %, as recited in claim

38; said low swelling Q is a low linear swelling Q_L, as recited in claim 39; said high-performance polymer comprises at least one of polyphenylene sulphone (PPSU), polyether sulphone (PES), and polyetherimide (PEI), as recited in claim 40; a jet end, and said lamella includes a free end arranged to extend to a region of said jet end, wherein said free end comprises an structure less end region with a dull lamella end having a height less than about 0.4 mm, as recited in claim 41; said height of said dull lamella end is less than about 0.3 mm, as recited in claim 42; said lamella is constructed of said high-performance polymer in a homogenous structure, as recited in claim 46; a sectioned stock density control, as recited in claim 47; said headbox is sized for a flow speed greater than about 1,500 m/s, as recited in claim 48; said flow speed is greater than about 1,800 m/s, as recited in claim 49; and said lamella is arranged as a separating lamella in a multi-layered headbox, as recited in claim 50.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1 - 16, 20 - 42, 46 - 50, 53, and 54 under 35 U.S.C. § 102(b)/35 U.S.C. § 103(a) and indicate that these claims are allowable.

3. *Over Rodal in view of AAPA and Horiki and further in view of Ewald*

Applicants traverse the rejection of claims 15, 16, 41, and 42 under 35 U.S.C. § 103(a) as being unpatentable over RODAL in view of AAPA and HORIKI, and further in view of EWALD. Applicants note that, in view of the foregoing discussion of each applied document, it is apparent that EWALD fails to teach or suggest the subject matter noted above

as deficient in the asserted combination of RODAL, AAPA, and HORIKI. In particular, Applicants again note that, while disclosing a thicker lamella, EWALD fails to provide any teaching or suggestions with regard to why the asserted combination (albeit improper) of RODAL, AAPA, and HORIKI would benefit from a thicker lamella end or why one ordinarily skilled in the art would be motivated to do so.

Applicants note that this combination is especially confusing in that it would appear that thickening the lamella would reduce flexibility of the lamella, which is stark contrast to the reason for providing grooves in the lamella end, as taught by the AAPA, to increase flexibility. Because the asserted combination utilizes conflicting teachings regarding flexibility of the lamella, Applicants submit that the art of record fails to support the Examiner's assertions of obviousness.

Moreover, Applicants submit that none of the applied documents provide any teaching or suggestion that it would have been obvious to utilize the materials disclosed by HORIKI, i.e., that can be treated to increase or decrease its affinity for paint or adhesives, in a non-paint/non-adhesive environment such as a headbox. Thus, Applicants submit that the asserted combination is improper and should be withdrawn.

Further, Applicant submits that claims 1 - 16, 20 - 25, 27 - 42, 46 - 50 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular,

Applicant submits that no proper combination of RODAL in view of AAPA and HORIKI teaches or suggests, *inter alia*, a nozzle, and said lamella includes a free end arranged to extend to a region of said nozzle, wherein said free end comprises an structure less end region with a dull lamella end having a height less than about 0.4 mm, as recited in claim 15; said height of said dull lamella end is less than about 0.3 mm, as recited in claim 16; a jet end, and said lamella includes a free end arranged to extend to a region of said jet end, wherein said free end comprises an structure less end region with a dull lamella end having a height less than about 0.4 mm, as recited in claim 41; and said height of said dull lamella end is less than about 0.3 mm, as recited in claim 42.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 15, 16, 41, and 42 under 35 U.S.C. § 102(b)/35 U.S.C. § 103(a) and indicate that these claims are allowable.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

Authorization to Charge Deposit Account

The Commissioner is authorized to charge to Deposit Account No. 19 - 0089 any necessary fees, including any extensions of time fees required to place the application in

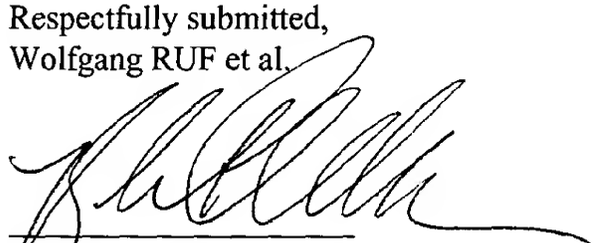
condition for allowance by Examiner's Amendment, in order to maintain pendency of this application.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 1 - 9, 12 - 35, and 38 - 54. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,
Wolfgang RUF et al.



Neil F. Greenblum
Reg. No. 28,394 #35,073

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GREENBLUM & BERNSTEIN, P.L.C.
1941 Roland Clarke Place
Reston, VA 20191
(703) 716-1191